

Atty. Dkt. No. 072982-0182

## REMARKS

Claims 1-35 remain for examination.

As set forth of paragraph 3 of the outstanding Office Action, claim 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 4 of the outstanding Office Action enumerates claims 8 and 9 and objects to the use of the phrase "such as". Presumably, the Examiner intended to refer to claims 7 and 8 and applicant has acted accordingly. As a result, claims 7 and 8 have been amended to remove the term "such as" objected to by the Examiner.

It is submitted that all of applicant's claims fully comply with the provisions of 35 U.S.C. § 112.

Claims 1-10 and 24-29 stand rejected under 35 U.S.C. § 103 as unpatentable over Ardon (3,943,999) in view of Franklin (5,093,827). From the paragraphs following this rejection, the Examiner refers to other claims and apparently intended to reject claims 1-10, 13-21 and 24-35 as unpatentable over the combination of Ardon and Franklin.

Finally, in paragraph 7 of the outstanding Office Action rejects claims 11-12 and 22-23 as unpatentable over Ardon in view of Franklin and further in view of Hiraiwa (5,333,187).

The Examiner's rejections are respectfully traverse.

Applicant's independent claim 1 recites two or more first stage switching modules and a second stage switching module which receives a signal outputted from one of the first stage switching modules via a line, switches the signal and outputs the signal to another one of the first stage switching modules via a line. This arrangement is similar to applicant's prior art as set forth in Figures 1-3 and also described in the Ardon patent applied by the Examiner. For example, compare Ardon's Figure 1 with applicant's admitted prior art Figure 3. Applicant's claim 1 goes on to recite, however, that each of the first stage switching modules is connected to another one of the first stage switching modules via a special-purpose link for setting a communication link

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between the first stage switching modules when necessary. For example, applicant's special purpose link could take the form of an Ethernet connection or any other point to multi-point connection. As to this point, the Examiner states: to "Ardon does not expressly disclose each of the first stage switching modules is connected to another one of the first stage switching modules via a special-purpose link for setting a communication link between the first stage switch modules when necessary."

In order to supply the missing limitations, the Examiner points to Franklin. In particular, the Examiner refers to Figure 2 of Franklin and col. 4, lines 22-28. This portion of Franklin is very general and is contained within the Summary of the Invention and merely states that circuit-switching units may be inner connected with each other and with the end points of at least one communication medium.

An actual examination of Figures 1 and 2 of Franklin reveals that the inner connection between the switching modules 201 is simply the link 112 or trunk 111 in Figure 1 and the TDM link 102 in Figure 2. Linking switching modules is of course not new and applicant is not claiming such per se. Rather, applicant is claiming linking the first stage switching modules through a special purpose link in an arrangement in which the first stage switching modules are themselves connected to a second stage switching module, and it is the second stage switching module that normally switches signals from a first one of the first stage switching modules to a second one of the first stage switching modules, these signals being switched via the second stage switching module. No such arrangement is shown in Franklin. In fact, if one simply removed applicant's second stage switching module say in applicant's Figure 2, the connection of a first stage module to another first stage (or third stage) module would be analogous to the set up shown in Franklin. However, as indicated above, the arrangement utilized by applicant and specifically recited in each of applicant's independent claims 1, 13, 24 and 30 is that there is at least one second stage switching module which inner-connects two or more first stage switching modules and that there is a special purpose link inner-connecting the first stage switching modules.

Franklin does not disclose such an arrangement and thus does not provide the missing ingredient in comparison with the Ardon patent nor does Franklin supply any motivation to convert the Ardon first stage switching elements. Quite simply, the

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Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103.

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

Respectfully submitted,

Date 4-29-03

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AUG 14 2003

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